



NEW YORK COUNTY
DISTRICT ATTORNEY'S OFFICE

ANNUAL REPORT

HIGHLIGHTS FROM 2014

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A MESSAGE FROM THE DISTRICT
ATTORNEY

* Today, the responsibilities of a big city prosecutor's office are no longer limited to what takes place inside a courtroom. Fighting crime in the 21st century requires forward-thinking innovation in all areas that impact public safety and fairness, and lasting partnerships with our communities.

There will come a time when crime levels stabilize. But as District Attorney, I am not satisfied by our ability to keep crime in Manhattan low; I measure success by our ability to help drive crime even lower. This year, we continued to show cities throughout the U.S. that by leveraging data analytics and more effective community partnerships, prosecutors can proactively do more to prevent crime.

We continued our work of targeting violent street gangs, gun traffickers, and international cybercrime rings. We recovered hundreds of millions of dollars in ill-gotten gains from a large financial institution, and forged new partnerships to curb the public health crises of domestic violence and sex trafficking.

We also demonstrated that public safety need not come at the expense of fairness. At a time of heightened public debate about race and equality in the justice system, we reaffirmed our position at the forefront of criminal justice reform. We invited the Vera Institute of Justice, a non-partisan, non-profit think-tank, to examine whether race affects our decisions, and made its findings publicly available.

Through specialized courts and services, we're addressing the needs of mentally-ill offenders. We're working to divert more non-violent, first-time offenders—which particularly impacts young men of color—away from unnecessary detention and to build public confidence in the justice system.

And we continue to make transformative investments in criminal justice issues with the funds we obtain through asset forfeiture. From police officer safety, to residential security in New York City Housing Authority buildings, to justice for sexual assault survivors and those struggling with mental health issues, these investments target problems that have vexed our City for decades.

In sum, 2014 was a year in which we took full advantage of the unique opportunities we have as prosecutors to shape our City's destiny.

My best wishes for a safe and productive 2015.

— *Cyrus R. Vance, Jr.*

THE DISTRICT ATTORNEY'S OFFICE

The Manhattan District Attorney's Office serves and protects the people of New York through the fair administration of justice, without fear or favor. Building on a rich tradition of prosecutorial independence and courtroom excellence, the Office today is an internationally recognized leader in the development of innovative crime-fighting strategies and justice reform initiatives. Each year, the Office files more than 100,000 cases, which are handled by a staff of more than 500 assistant district attorneys and 700 investigative analysts, paralegals, and highly trained support staff members. The legal work of the Office is further divided among the Trial, Investigation, and Appeals Divisions.



The Trial Division

*Trial Bureau 30 | Trial Bureau 40 | Trial Bureau 50 | Trial Bureau 60 | Trial Bureau 70
Trial Bureau 80 | Special Victims Bureau | Crime Strategies Unit | Forensic Sciences/Cold Case Unit
Hate Crimes Unit | Vehicular Crimes Unit | Violent Criminal Enterprises Unit
Public Assistance Fraud Unit | Special Litigation Bureau*

The Trial Division is principally responsible for prosecuting misdemeanor and felony crimes that are brought to the Office by other law enforcement agencies. Collectively comprised of six trial bureaus and six specialized units employing approximately 365 assistant district attorneys, each bureau is staffed by a team of prosecutors, legal supervisors, investigative analysts, and paralegals tasked with handling a diverse docket of cases. After an arrest takes place, the case is assigned to an assistant district attorney who is responsible for the case until a disposition by trial or plea. This vertical system of prosecution means that a prosecutor stays with a case from start to finish, better serving the victims, witnesses, and members of law enforcement involved. Felony assistants in specialized units also develop particular expertise handling certain types of crime, such as sex crimes, child abuse, domestic violence, cybercrime, elder abuse, and hate crimes.

The Investigation Division

Cybercrime and Identity Theft Bureau | Forensic Accounting and Financial Investigations Bureau | Public Corruption Unit | Major Economic Crimes Bureau Rackets Bureau | Asset Forfeiture Unit | Tax Crimes Unit Investigations Bureau | Financial Frauds Bureau

The Investigation Division focuses on the prosecution of crimes such as fraud and corruption, as well as crimes with greater global scope, such as white-collar crime, international money laundering, securities fraud, and terrorism. Because of the Office's location and geographic jurisdiction, prosecutors are able to bring cases involving criminal conduct against any parties anywhere in the world making use of financial institutions located in Manhattan. The Investigation Division also protects New York's most vulnerable populations through the work of specialized units tasked with handling fraud against the elderly and diverse immigrant communities, where unfamiliarity with the criminal justice system may make victims reluctant to come forward and report crimes.

The Appeals Division

The Appeals Division is responsible for ensuring that convictions properly obtained by the District Attorney's Office are upheld in New York's appellate and federal courts. In addition to appellate research, writing, and advocacy, the Bureau advises assistant district attorneys on legal and jurisprudential developments relevant to the Office's work. The Appeals Division collectively handles nearly 700 cases annually.



DATA - DRIVEN
PROSECUTION

— *and the* —

CRIME
STRATEGIES
UNIT



Under the leadership of District Attorney Vance, the signature goal of the Manhattan District Attorney's Office is to drive an already-low crime rate even lower. This requires an ambitious, proactive approach to crime-fighting that, in many ways, reinvents the role of the big city prosecutor.

To further that mission, the Office has developed and continues to implement new approaches to more effectively use prosecutorial resources to keep city streets safe.

In 2010, District Attorney Vance created the Crime Strategies Unit ("CSU") to operationalize an intelligence-driven approach to crime fighting with prosecutors who are able to harness, analyze, and share intelligence in order to create data-driven prosecution strategies that address crime issues and target priority offenders. Within CSU, Manhattan is divided into five areas each staffed by a senior assistant district attorney focused on analyzing criminal activity. These assistant district attorneys partner with investigators, community liaisons, and intelligence analysts to identify opportunities to reduce and prevent crime by improving

"New York's record-breaking crime decline since the 1990s was the product of a deliberate revolution in policing. Maintaining that crime drop will require every component of the criminal-justice system to be at the top of its game... Intelligence-driven prosecution is coming not a moment too soon."

— *City Journal*

Last summer, *City Journal* examined the Office's approach to intelligence-driven crime-fighting in a feature entitled "Prosecution Gets Smart."

the timely and accurate sharing of criminal intelligence gathered not only within the District Attorney's Office, but from other law enforcement agencies as well. In 2014, following four years of markedly declining violent crime in Manhattan, multiple jurisdictions throughout the nation worked with the Manhattan District Attorney's Office to replicate its approach. By year's end, new "Crime Strategies Units" were established in Brooklyn, Baltimore, Philadelphia, San Francisco, and the state of Delaware.

In addition to the significant human resources committed to this effort, the Office is also using new types of technology to aid assistant district attorneys throughout the Office and help them monitor violent individuals and crime trends in their catchment area. The innovative technologies developed by the Office to further data-driven prosecution include:

ARREST ALERT SYSTEM

The Arrest Alert System, managed by CSU, ensures that priority defendants no longer pass through the criminal justice system without notice. It allows assistant district attorneys to receive notifications when a particular defendant has been arrested, and ensures that charging decisions, bail applications, and sentencing recommendations address these individuals' impact on criminal activity in local communities.

SURVEILLANCE CAMERA INTERACTIVE MAP (S.C.I.M.)

The District Attorney's Office developed a sophisticated mapping capability that enables prosecutors to locate and identify key surveillance cameras throughout Manhattan and access footage.

DANY InPHO

DANY InPho provides assistant district attorneys and investigators with the ability to systematically organize call data, and analyze the information contained within the phone calls made by incarcerated individuals. DANY InPho also provides the ability to summarize and flag phone calls. The database created from these calls allows those working a case to immediately identify key phone numbers and to analyze links among the calls that would otherwise go unnoticed. This technique has proven particularly helpful during gang investigations.

"Vance's most significant initiative, one that has been emulated in jurisdictions from Brooklyn to San Francisco, has been to transform, through the use of data, the way district attorneys fight crime. 'The question I had when I came in was, do we sit on our hands waiting for crime to tick up, or can we do something to drive crime lower?' Vance told me one afternoon in his eighth-floor office at the Criminal Courts Building in Lower Manhattan. 'I wanted to develop what I call intelligence-driven prosecution.'"

— *New York Times Magazine*

A December article entitled "The Data D.A." in *The New York Times Magazine* featured a comprehensive examination of the work of CSU.





District Attorney Vance and Commissioner Bratton announcing the indictment of a group of gun traffickers for selling assault weapons, ammunition, and large capacity magazines in Manhattan.

GANGS AND GUNS

Since taking office in 2010, District Attorney Vance has been committed to reducing gun and gang violence in our communities. Recent statistics demonstrate that real progress has been made to address this crisis, with homicides in Manhattan down 49 percent since 2010, and shootings down 46 percent during this same period.

Despite this progress, there are still too many families in New York City affected by gun violence and violent street gangs. As part of the effort to combat street violence, the District Attorney's Office has brought 19 indictments against gun traffickers and taken more than 900 illegal guns off the streets since 2010. In addition, the Office has brought indictments against 17 violent street gangs.

District Attorney Vance has also taken a national leadership role to find solutions to address gun violence, recognizing that it not only impacts residents of Manhattan and New York City, but extends to communities across New York State and the entire county.

PROSECUTORS AGAINST GUN VIOLENCE

In a groundbreaking effort to combat gun violence, this fall, District Attorney Vance and Los Angeles City Attorney Mike Feuer brought together prosecutors representing major jurisdictions throughout the U.S. to form Prosecutors Against Gun Violence ("PAGV"). The purpose of the independent, non-partisan coalition is to identify and promote prosecutorial and policy solutions that will address the national public health and safety crisis of gun violence. The growing coalition includes prosecutors from 30 different jurisdictions, including Atlanta, Boston, the Bronx,

Brooklyn, Charlotte, Chicago, Denver, Detroit, Houston, Las Vegas, Miami, Milwaukee, New Orleans, Philadelphia, Portland, Queens, San Antonio, San Francisco, Seattle, and Staten Island.

In October, PAGV hosted the first-ever national prosecutorial summit on gun violence prevention in Atlanta. The summit featured a number of notable guests and speakers, including Captain Mark Kelly, who—along with

“ We are all too aware of the devastation that illegal firearms are causing in our communities—not just in Manhattan, but across the city, the state, and the entire country. When guns are sold illegally, they bypass the checks-and-balances put in place by state and federal governments, and can fall into the hands of young people, gang members, individuals with criminal records and the mentally ill, circumstances that would otherwise bar them from ownership. ”

— *DA Vance*

his wife, former Rep. Gabrielle Giffords—founded Americans for Responsible Solutions.

MANHATTANVILLE/GRANT GANG INDICTMENT

In June, District Attorney Vance and NYPD Commissioner Bratton announced the largest

indicted gang case in New York City history. In total, 103 members of three violent street gangs—3Staccs, Make It Happen Boys, and Money Avenue—were charged for their roles in a bitter and bloody turf war waged in West Harlem. The violence charged in the indictments includes at least 19 non-fatal shootings, approximately 50 shooting incidents, and two homicides.

One of the victims of the gang violence was Tayshana “Chicken” Murphy, an 18-year-old high school basketball star who was fatally shot in the Grant Houses in 2011.

Robert Cartagena and Tyshawn Brockington were later convicted in the murder of the teenage basketball player and found guilty by juries in New York State Supreme Court of Murder in the Second Degree, among other charges. Both were sentenced to 25 years-to-life in state prison.

The indictments followed a three-year-long investigation led by the District Attorney's Office's Violent Criminal Enterprises Unit and the NYPD's Gang Division.

“ We have seen too many innocent victims lose their lives—and too many families grieving loved ones—because of senseless feuds between young people who wreak havoc in their neighborhoods. I will continue to make it a top priority for my Office to remove these dangerous weapons from our city and to work closely with our community partners to make our city safer. ”

— *DA Vance*

Notable Weapons-Related Cases of 2014 Include:

- In October, Paul Lee was sentenced to 17 ½ years in state prison for the sale of more than one dozen illegal firearms to undercover police officers posing as Manhattan-based gun dealers. Lee, who pleaded guilty to felony charges of Criminal Sale of a Firearm in the First Degree and Conspiracy in the Fourth Degree, was initially indicted along with a co-defendant, Javon Burgess, earlier in April in connection with a gun trafficking operation involving ammunition, large capacity magazines, and firearms such as a sawed-off shotgun and Tech-9 assault weapon, which were sold by the defendants in Manhattan and the Bronx. At the time, the cases against Lee and Burgess represented the 18th and 19th gun trafficking indictments brought by the Office's Violent Criminal Enterprises Unit against a total of 57 gun traffickers since the formation of the unit in 2010. Between 2010 and 2014, the Violent Criminal Enterprises Unit has also recovered more than 875 illegal guns from New York City streets.
- In April, Walter Dandridge was sentenced to 17 ½ years in state prison for selling nearly 30 guns to an undercover detective with the assistance of a co-defendant, Mark Winston. As a resident of Macon, Georgia, Winston was able to ship firearms to Dandridge through the U.S. Postal Service in exchange for cash payments that were wired to Winston by Dandridge once the shipments were received in New York. Dandridge eventually pleaded guilty to Criminal Sale of Firearms in the First Degree and Conspiracy in the Fourth Degree.
- In March, Luis Martinez was sentenced to 28 years-to-life in prison for firing a 9-mm pistol at two uniformed police officers on patrol near the Bernard M. Baruch Houses on the Lower East Side and striking one of the officers. In January, Martinez was found guilty by a jury in New York State Supreme Court of all the charges in the indictment against him, including two counts of Attempted Murder in the First Degree and other charges.
- In February, Ricardo Laing was sentenced to 10 years in state prison after pleading guilty to five counts of Assault in the First Degree and one count of Criminal Possession of a Weapon in the Second Degree for shooting into a crowd at Rucker Park in Harlem with a semi-automatic weapon and striking five people.



CRIMINAL JUSTICE REFORM

The year 2014 was a time of heightened public debate about fairness in criminal justice. The District Attorney's Office advanced several initiatives this year that increase fairness for all who interact with the criminal justice system, without sacrificing public safety.

● DECRIMINALIZING MARIJUANA:

District Attorney Vance has long advocated the decriminalization of marijuana, and continues to work with legislators in Albany to reduce the possession of small amounts of marijuana from a misdemeanor to a violation. In November, Mayor de Blasio and Police Commissioner Bratton, in consultation with District Attorney Vance and the Office's staff, announced NYPD policy changes to reduce marijuana arrests—specifically, that the NYPD would no longer arrest individuals found in possession of 25 grams or less of marijuana, provided the individual has identification and no outstanding warrants. In a statement, District Attorney Vance said: “More than two years ago, I supported a change in state law that would make possession of a small amount of marijuana, even if in public view, a violation, rather than a misdemeanor. I still support a change in legislation. Short of that, this policy—by diverting thousands of cases from criminal court—will also keep low-level offenders, particularly teens, from an arrest and all its attendant consequences, including a night or more in jail. I would like to commend Mayor de Blasio and Police Commissioner Bratton for this initiative, which will enhance fairness without sacrificing public safety, and is simply the right thing to do.”

● RAISING THE AGE OF CRIMINAL RESPONSIBILITY:

New York remains one of only two U.S. states in which 16-year-olds and 17-year-olds are arrested and prosecuted as adults. To provide better outcomes for adolescents involved in the justice system, and seize opportunities for effective youth interventions, District Attorney Vance continued to advocate for a package of reforms that would raise the age of criminal responsibility to 18 in New York State.

● **TRANSPARENCY AND ACCOUNTABILITY:**

In 2014, District Attorney Vance sought an independent examination of criminal case outcomes in New York County in order to determine whether there was any racial or ethnic disparity in how defendants were treated, and to identify opportunities to close any gaps. The Office took the unprecedented step of inviting the Vera Institute of Justice—an independent, nonpartisan, nonprofit center for justice policy and research—to scrutinize its books, conduct an independent examination, and post the results online for all to see.

The District Attorney's Office provided Vera with access to assistant district attorneys, and information about more than 200,000 resolved cases from 2010-2011, which included all misdemeanors, violations, infractions, and certain felonies.

Vera's study was released in July. The report found that the best predictors for most case outcomes were factors other than race – including the seriousness of the charge, and the defendant's prior record. But Vera's research also found that race remained a factor in several types of outcomes. For example, black, Latino, and Asian defendants were more likely to have their cases dismissed when compared to similarly-situated white defendants. At arraignment, black and Latino defendants were more likely, and Asians less likely, to be detained than similarly situated white defendants. There was no marked difference in case acceptance.

The District Attorney's Office is committed to better understanding the causes for any racially- or ethnically-based disparity in the criminal justice system,

determining what role, if any, prosecutors play in that disparity, and how prosecutors might be able to work with the courts and the defense bar to reduce any disparities that exist. Before the publication of the report, District Attorney Vance appointed a Chief Diversity Officer and a Diversity

Committee, composed of attorneys and support staff from all divisions in the Office. Their mission is to develop creative approaches to enhancing workforce diversity and ensure that the Office maintains a culture of diversity. The Office will also provide all assistant district attorneys with implicit bias training.

SPECIALIZED COURTS:

The District Attorney's Office is a leader in the development of specialized courts to better address the needs of certain defendants, achieve more effective and longer-term resolutions, and free up prosecutors to focus on more serious, violent crime. Removing these cases from the regular criminal court calendar has led to a 60 percent reduction in speedy trial dismissals since 2009, and reduced the average caseload for first-year assistant district attorneys by 44 percent. Working with the New York State Office of Court Administration, the District Attorney's Office has established the following specialized courts:

Mental Health Court Part, which connects eligible defendants with serious and continuing mental illnesses to treatment, services, and housing providers aimed at addressing the underlying illnesses that caused or contributed to the arrests.

Adolescent Diversion Court Part, which handles misdemeanors and violations involving 16-and 17-year-olds, and aims to resolve cases so that these kids do not end up with criminal records. The Adolescent Diversion Court also helps to curb recidivism by youthful offenders, by mandating interventions that address the underlying needs of these defendants.

Manhattan Treatment Court, also known as Judicial Diversion, which provides treatment and counseling as an alternative to incarceration for defendants whose crimes are fueled by addiction and substance abuse. Since creation, the Drug Court Unit associated with this part has screened approximately 2,000 defendants for treatment, with approximately 450 currently active cases, and the overarching goal of helping graduates stay drug-free, employed, and less likely to recidivate.

Human Trafficking Intervention Part, which handles prostitution-related cases at a specific Midtown Community Court part where a prosecutor specially trained in identifying signs of human trafficking supervises the handling of every case. Through the part, those arrested in connection with prostitution-related offenses may be connected with resources that can help those individuals exit the sex industry.

Quality of Life Court, which handles thousands of non-violent offenders charged with 30 types of low-level misdemeanors and violations, including marijuana possession, unlicensed general vending, petit larceny, theft of services, trespass, public urination, public consumption of alcohol, unlicensed driving, and some transit, parks, and administrative code violations.



REINVESTING
in
LOCAL
COMMUNITIES
and the Saturday Night Lights Program



Frederick Douglass once said “It is easier to build strong children than to repair broken men.”

This principle guides much of the work of the District Attorney’s Office. District Attorney Vance believes that a crime prevented is better than a crime prosecuted, and that keeping children out of trouble is a proven crime-fighting strategy.

SATURDAY NIGHT LIGHTS ATHLETIC PROGRAM

Using forfeiture funds, the District Attorney’s Office provides world-class sports training and tutoring support for teens aged 11-18 through its Saturday Night Lights and Advocate to Graduate programs. “SNL” and “A2G,” which earned the Outstanding Contributions to Community Partnerships for Public Safety award from U.S. Attorney General Eric Holder, help ensure that the next generation of New Yorkers is equipped with the skills, positive relationships, and alternatives to criminal affiliations that are vital to their success. They’re also wildly popular, and incredibly fun – to date, the programs have served over 3,500 kids at 11 SNL centers throughout Manhattan and Brooklyn.

All participants receive free, high-quality sports training and can sign up to work one-on-one with an Academic Success Advocate. The advocates provide access to tutoring, a safe place to study, and other resources focused on successful completion of middle school and high school. A true collaboration among law enforcement, social service agencies, and sports trainers, the program promotes positive interactions with members of the Manhattan District Attorney’s Office, NYPD, and DEA. Trainers, officers, prosecutors, and support

“Thanks to the support of our partners, we’ve been able to grow this initiative from a single site with a handful of participants into a comprehensive athletic program serving thousands of kids in both Manhattan and Brooklyn. Participants aren’t just learning how to play ball— they’re learning valuable life lessons, like how to play on a team.”

— DA Vance

staff interact with the kids in a fun atmosphere and are able to speak with them about the dangers of drugs, gangs, and carrying weapons.

COCA-COLA FIT CLINIC

In September, District Attorney Vance, Assistant NYPD Commissioner Kevin O’Connor, WNBA star Chelsea Newton, representatives from the Coca-Cola Foundation, and community members joined together to host a youth basketball “Fit Clinic” for participants in the DA’s Saturday

Night Lights program in West Harlem. The event, which took place at the Manhattanville Houses, gave players from multiple “Drill and Play” sites across Manhattan the opportunity to participate in training drills and practice with professional coaches.

This event was made possible through the Office’s partnership with the WNBA and the Coca-Cola Foundation, which recently awarded a \$50,000 grant to support District Attorney Vance’s youth engagement and anti-crime initiatives.

GET INVOLVED

The District Attorney’s Office invites you to get involved in these vital programs. More information is available at SNL’s Facebook page. To enroll your child, please visit one of our sites, or call (212) 678-0647. To volunteer as a coach or tutor, or to discuss partnership opportunities, please contact Estelle Strykers-Santiago, Director of the Community Partnerships Unit, by phone at (212) 335-9340.

Drill & Play Basketball:

West Harlem: PAL Harlem Center (441 Manhattan Avenue)
Lower East Side: Boys and Girls Republic (888 East 6th Street)
East Harlem: Johnson Houses Community Center (1829-1839 Lexington Avenue)
North Harlem: Polo Grounds Community Center (3005 8th Avenue)
Washington Heights: George Washington High School (549 Audubon Avenue)
Central Manhattan: Fred Samuel Community Center (669 Malcolm X Boulevard)
West Harlem: Manhattanville Community Center (530 West 133rd Street)
Brooklyn: Miccio Community Center (110 West 9th Street)

AllStarr Volleyball:

Washington Heights: Armory PAL (216 Fort Washington Avenue Corner of 169th street)
Lower East Side: Boys and Girls Republic (888 East 6th Street)

Soccer:

East Harlem: Corsi Community Center (307 E. 116th St. at 2nd Ave.)

Lacrosse:

Central Harlem: Harlem Children’s Zone Armory (40 W 143rd Street)







P U B L I C S A F E T Y



District Attorney Vance and partners announcing the commitment of up to \$35 million in funding to end rape kit processing backlogs nationwide.

I N V E S T M E N T S

In 2014, the District Attorney's Office announced a series of transformative investments aimed at making New York City safer and the criminal justice system more fair.

Using asset forfeiture funds obtained through settlements with international banks for violating U.S. sanctions, the District Attorney's Office has made a substantial financial commitment toward projects aimed at having a lasting impact on citywide and statewide public safety, both immediately and in the decades to come. Each initiative was selected with the goal of helping to solve and prevent crimes, and aid crime victims seeking justice.

Within the past five years, the Manhattan District Attorney's Office's investigations into seven major banks for violating U.S. sanctions have resulted in the forfeiture of approximately \$1.8 billion to the State of New York and more than \$860 million to the City of New York.

NYPD MOBILITY INITIATIVE

In October, the District Attorney's Office, the Mayor's Office, and NYPD announced a \$160 million project to equip police officers with up to 41,000 mobile devices, including tablet computers for every patrol car and handheld devices for every cop. The program, which is being funded entirely through the settlement with BNP Paribas bank, will bring all of the crime-fighting information currently available to NYPD officers at the precinct onto one mobile platform, streamlining law enforcement efforts and increasing the safety of New Yorkers, as well as police officers. For the first time, officers will have real-time 911 call data, warrant information, photographs of missing persons and suspects, and fingerprint scanning available to them at the swipe of a finger.

This enhanced information and data collection in the field will enable officers to make the most informed decisions possible, and increase the accuracy and efficiency of information sharing between the NYPD, prosecutors, and other law enforcement agencies.

ADDRESSING MENTAL HEALTH IN THE CRIMINAL JUSTICE SYSTEM

Today, people with mental illness represent 38 percent of the overall New York City jail population. The District Attorney's Office is funding \$40 million of an unprecedented \$130 million, four-year project by the de Blasio administration aimed at reducing the number of people with mental and behavioral health issues needlessly cycling through the criminal justice system.

Law enforcement and criminal justice professionals have long agreed that addressing the specialized needs of these defendants is critical to reducing recidivism among this population. A report by the Mayor's Task Force on Behavioral Health and the Criminal Justice System, in which District Attorney Vance and senior members of the District Attorney's Office took part, will guide the implementation of measures relating to diversion, treatment, and supportive services for this group of frequently incarcerated individuals.

ELIMINATING THE RAPE KIT BACKLOG NATIONWIDE

There are currently hundreds of thousands of untested rape kits sitting in police storage facilities nationwide. The exact number is unknown, because no one has ever provided the resources to count them—until now.

In November, District Attorney

Vance announced the single largest contribution toward ending the country's rape kit backlog: \$35 million, which will be used to analyze untested rape kits, audit the scope of the backlogs, and ensure that individual jurisdictions adhere to best practices for the testing and use of rape kit evidence. These rape kits will yield DNA samples that will solve sexual assaults throughout the country, and bring some measure of closure to survivors of sexual assault who have been waiting for justice. Rape kit evidence can also corroborate a victim's account, identify an unknown attacker, confirm a rape by a known attacker, solve crimes committed across state lines, and exonerate suspects who are wrongfully accused.

IMPROVING PUBLIC SAFETY IN HOUSING

Five percent of New York City residents live in public housing, yet crimes committed on New York City Housing Authority property account for 20 percent of all violent crime citywide. Recognizing the need to strategically invest in these communities, District Attorney Vance pledged \$101 million to improve security and enhance residential safety at 15 public housing developments citywide. This investment will allow for infrastructure improvements, including an increase in exterior security cameras, camera connection to NYPD networks, lobby and elevator cameras, new doors, key fob access, and improved exterior lighting.

To ensure that these investments are well-executed and sustainable over the long-term, the District Attorney's Office engaged The City University of New York Institute for State and Local Governance to provide strategic advice and technical assistance.

District Attorney Vance,
Mayor de Blasio, and
Commissioner Bratton
announcing a major initiative
to enhance NYPD mobile
communications in October
2014.



MAJOR ECONOMIC CRIMES

By virtue of its position at the center of a global marketplace, the District Attorney's Office has the ability to prosecute a variety of crimes committed in the financial sector, as transactions that take place nationally and internationally may, in fact, involve U.S. dollars passing through local banks and entities. Financial markets are governed by rules intended to ensure safety and stability, and the prosecution of white-collar crimes—which may involve larceny, the falsification of business records, sanctions violations, tax crimes, and money laundering—is critically important to maintaining both international safety and the integrity of complex banking systems.

The Major Economic Crimes Bureau is dedicated to the investigation and prosecution of financial crimes, including securities, commodities, and investment scams; structured investment schemes; digital financial fraud; money laundering; and the financing of international terrorist organizations. Within the Bureau, the International Money Movement Center and the Financial Intelligence Unit are also specifically tasked with conducting targeted investigations into illicit financial activity, with the goal

of identifying those who seek to evade sanctions, finance terrorism, provide funding for weapons trafficking, and channel money for criminal endeavors.

“The most important values in the international community—respect for human rights, peaceful coexistence, and a world free of terror—significantly depend upon the effectiveness of international sanctions.”

— *DA Vance*

SANCTIONS AND VIOLATIONS: B.N.P. PARIBAS

In June, the District Attorney's Office and federal partners announced the resolution of a joint investigation into the criminal conduct of BNP Paribas S.A. (“BNPP”), the largest bank in France, and one of the five largest banks in the world, with more than 34 million customers worldwide. Following an investigation initiated by the District Attorney's Office in conjunction with state and federal partners, BNPP pleaded guilty in

New York State Supreme Court to charges of Falsifying Business Records in the First Degree and Conspiracy in the Fifth Degree, as well as the combined payment of a record total of \$8.8 billion in criminal forfeiture and penalties.

As admitted by BNPP through the plea—the first guilty plea by a major financial institution in state court—between 2004 and 2012, the bank conspired to and did falsify the records of financial institutions located in Manhattan while moving at least \$8.8 billion through the U.S. financial system on behalf of Sudanese, Iranian, and Cuban clients in violation of U.S. sanctions.

BNPP's guilty plea marked the seventh major case involving sanctions violations by a large international bank that the District Attorney's Office, along with its partners, has pursued and resolved since 2009. But more importantly, the BNPP case and similar cases have brought about fundamental change in the way financial institutions conduct business, with heightened vigilance worldwide relative to dealing with sanctioned entities and facilitating money movements for unknown organizations.

In December, prosecutors in the Major Economic Crimes Bureau received the Assistant Attorney General's Award for Exceptional Service from the U.S. Department of Justice in recognition of significant achievement for their work on the BNP Paribas case. The annual award honors individuals for their unique contributions and dedication to achieving the goals of the Criminal Division of the Department of Justice.

**ILLEGAL LENDING SCHEMES:
PAYDAY LOANS**

“Payday” loans—short-term, high-interest loans—represent an all-too-common predatory lending practice that has victimized many New Yorkers. Payday loans are generally non-bank, short-term, high-interest loans typically intended to be repaid from a borrower's next paycheck. Borrowers, however, are often unable to repay the loan after the first two-week period. In such cases, payday lenders routinely extend loans, charging new fees for the extensions. Many borrowers end up paying interest rates more than double the principal when calculated on an annual basis for the initial term of the loan. In New York State, it is a crime for an unlicensed lender to charge more than 25 percent per annum interest on any loan less than \$2.5 million.

In August, the District Attorney's Office indicted a group of individuals and multiple companies in connection with illegal payday loans made to Manhattan residents. In this case, some of the loans made by the indicted defendants carried interest rates over 1,000 percent of the principal when calculated on an annual basis for the initial term of the loan. In addition to Conspiracy in the Fourth Degree, the defendants were also charged with Criminal Usury in the First Degree, a charge more commonly associated with organized crime.

**Notable Major Economic Crimes
Cases of 2014 Include:**

- In December, Michael Kordich was sentenced to 2 1/3-to-7 years in state prison and full restitution for stealing hundreds of thousands of dollars from investors through a scheme involving securities fraud. The defendant previously pleaded guilty to all the charges in the indictment against him, including two counts of Grand Larceny in the Second Degree, four counts of Grand Larceny in the Third Degree, six counts of violations of the Martin Act, and one count of Scheme to Defraud in the First Degree.
- In October, Bryan Caisse, a graduate of the United States Naval Academy, was sentenced to 1 1/2-to-4 1/2 years in state prison after pleading guilty to stealing more than \$1 million from his friends and former classmates at the Naval Academy through a Ponzi scheme. Caisse also signed a confession of judgment for his victims for approximately \$706,000.
- In September, Robert Dayan was sentenced to 2 1/2 -to- 7 1/2 years in state prison after pleading guilty to embezzling more than \$1.3 million from his former employer, Infinity Consulting Solutions, Inc., a staffing and recruiting agency, while working as the company's controller. Dayan executed a confession of judgment in the amount of approximately \$1.36 million and forfeited two vehicles.
- In July, Meceo McEaddy and Sylvester Vincent Carroll were sentenced to 5-to-10 years in state prison and ordered to pay restitution of more than \$2.5 million, after pleading guilty to multiple counts of Grand Larceny, Scheme to Defraud, and other charges. The defendants stole more than \$2 million from multiple event promoters and a party planner, while falsely promising to book performers such as Rihanna and Lady Gaga for clients.
- In April, Kevin Sutherland was convicted of Attempted Grand Larceny in the Second Degree for attempting to sell counterfeit artwork that the defendant falsely claimed was the work of British artist Damien Hirst and worth thousands of dollars. The counterfeit pieces included imitations of Hirst's “spin” paintings and “dot” limited edition prints.
- In February, Craig Rothfeld, Michael Romano, and Gregory Maleski were indicted for their roles in a fraudulent scheme that they operated through WJB Capital Group, Inc. (“WJB”), a now-defunct Wall Street securities broker-dealer. The defendants are accused of defrauding at least 15 investors out of more than \$11 million. All defendants are charged with multiple counts of Grand Larceny in the First, Second, and Third Degrees; Violation of the Martin Act; and Scheme to Defraud. Rothfeld and Maleski are also charged with Falsifying Business Records in the First Degree for filing falsified reports with the Financial Industry Regulatory Authority (“FINRA”) related to WJB's financial position.

I V O R Y T R A D E B A N

From ancient antiquities to pieces of priceless art, nearly anything and everything can be found for sale on the black market, including illegal ivory harvested from slaughtered elephants. Poachers of endangered species, however, should not have a market in New York City, and stronger laws are needed to crack down on the criminal commercial activity that drives the illegal ivory trade.

In June, District Attorney Vance and the Wildlife Conservation Society co-authored an op-ed piece published in the *New York Daily News* calling for Governor Cuomo and the State Legislature to strengthen laws effectively banning the purchase and sale of ivory articles in New York. Following publication, the State Legislature agreed on new amendments to New York's environmental law, which create new felony-level crime categories for large-scale operations that profit from the sale of elephant ivory, with higher fines for repeat offenders.

While poaching and ivory trafficking continue to be an international problem requiring global and local solutions, the ability to prosecute those who profit from the sale of elephant ivory in New York still represents an important step toward protecting endangered animal species.









REPATRIATION

Ancient Greek Coins

The District Attorney's Office has handled cases involving many types of money and currency, including ancient coins dating as far back as 515 B.C.

In August, the Office hosted a repatriation ceremony to return to the Hellenic Republic of Greece five coins recovered during a criminal investigation into the collection and sale of stolen antiques in New York City. Following a joint investigation with the District Attorney's Office and U.S. Homeland Security Investigations, the coins were forfeited by a coin collector convicted of attempting to sell stolen antiques at an auction at the Waldorf-Astoria Hotel.

Five of the convicted collector's coins represented internationally recognized artifacts from ancient Greek cities and regions. During the repatriation ceremony, the District Attorney's Office returned these coins to the Hellenic Republic of Greece to be put on permanent display at the Numismatic Museum of Athens, one of the oldest public museums in Greece.

R A C K E T S

and the

P U B L I C
C O R R U P T I O N
U N I T

Public officials and employees who commit crimes or deviate from the performance of their official duties erode trust in public institutions and processes. Within the District Attorney's Office, the Rackets Bureau is responsible for conducting long-term investigations into corrupt activities and criminal enterprises, which may involve matters related to construction fraud and labor investigations; public corruption; terrorist activity; organized crime; and the exploitation of public position for personal gain.

PUBLIC CORRUPTION UNIT

The Public Corruption Unit was formed in May when District Attorney Vance expanded the Official Corruption and Public Integrity Units into a unified Public Corruption Unit. This unit is tasked with proactively investigating and prosecuting public corruption at all levels, from uniformed officers, to elected officials, to courthouse staff.

In September, District Attorney Vance announced the indictment of three defense attorneys and a paralegal for bribing a non-judicial court employee as part of a scheme to steer clients to the indicted attorneys. The employee worked for the New York City Criminal Justice Agency, an agency that provides critical assistance to the courts in order to reduce unnecessary pretrial detention. Under the direction of the defendants, the employee is accused of using pretrial interviews to determine which arrestees were likely to be able to afford private attorneys. In total, the employee allegedly steered more than 100 clients to the attorneys over the course of a year and received at least \$40,000 for his efforts—

essentially doubling his annual income.

S.S.D.I FRAUD

In January, the District Attorney's Office announced the indictment of more than 100 individuals charged with perpetrating massive fraud against the Social Security Disability Insurance Benefits program, resulting in the loss of millions of dollars from federal taxpayers. Through the scheme, four principal defendants directed hundreds of applicants to lie about their psychiatric conditions in order to obtain benefits to which the applicants were not entitled.

“The Social Security Disability safety net exists to help those who are unable to help themselves. Many participants cynically manufactured claims of mental illness as a result of September 11th, dishonoring the first responders who did serve their City at the expense of their own health and safety.”
— *DA Vance*

Many of these applicants were retirees of the FDNY and NYPD who were encouraged to fabricate evidence of mental illness and incapacity as a collateral consequence of their service in order to collect tens of thousands of dollars in benefits.

Some indicted applicants received

awards as far back as two decades ago, and in some cases, the amount of money fraudulently collected by the applicants was close to \$500,000 per person.

TERRORISM

Following the attacks on New York City on September 11, 2001, a state law was passed designating as a crime of terrorism any crime of violence, or any criminal conspiracy to commit a crime of violence, undertaken with the intent to intimidate or coerce a civilian population. While foreign attacks still represent very real threats, increasingly, the threat of terrorism is also coming from radicalized actors living in communities closer to home, which means local law enforcement is uniquely situated to identify those threats and stop acts of terrorism before they can be carried out.

“Pimentel's conviction, and Ferhani's before him, reminds us that the threat against us from home-grown terrorists is very real. We must and will remain vigilant and do everything we can to prevent future terror attacks, within the strictures of our system of laws.”
— *DA Vance*

In February, Jose Pimentel, pleaded guilty to attempting to build pipe bombs in order to carry out a targeted terrorist attack on New Yorkers and U.S. service members returning from combat in Iraq and Afghanistan. In March, Pimentel

was subsequently sentenced to 16 years in state prison and 5 years of post-release supervision for his crimes. The guilty plea represented the second conviction the District Attorney's Office has obtained under the State's terror statute, the first being the conviction of Ahmed Ferhani for terror-related activities in 2012.

GRAND JURY REPORTS

In 2014, the District Attorney's Office empaneled grand juries to examine the vulnerability of the New York's workers' compensation insurance system and programs providing opportunities for Minority- and Women-Owned Business Enterprises ("MWBE") to fraud and misuse.

In March, a grand jury report found evidence of workers' compensation insurance premium fraud costing New York nearly \$500 million annually. The grand jury proposed recommendations designed to assist in early detection of premium fraud, improve compliance and enforcement efforts, deter cheating, and ensure fair and equitable treatment of all policyholders.

The report stemmed from investigations conducted by the District Attorney's Money Laundering and Tax Crimes Unit into false information provided to the New York State Insurance Fund in connection with applications for and audits of workers' compensation policies.

In November, a grand jury report found evidence of criminal conduct in the construction industry related to MWBEs spanning at least a decade and, within the relatively small sample of cases reviewed, found that the amount of money intended for MWBEs that instead went to non-MWBEs exceeded \$10 million. The grand jury concluded

Notable Cases of 2014 Include:

- In September, Jacob Levita and Schlesinger Electrical Contractors, Inc. were convicted on charges related to a scheme to defraud the NYC Department of Buildings and the NYC Department of Environmental Protection. Both Levita and Schlesinger, which is an affiliate of electrical contracting firm Schlesinger-Siemens Electrical LLC, were found guilty by a jury in New York State Supreme Court of Scheme to Defraud in the First Degree. Schlesinger was also found guilty of Offering a False Instrument for Filing in the First Degree.
- In April, Structure Tone Inc. was convicted for falsifying purchase orders with the intent to defraud its construction management clients. The company pleaded guilty to Falsifying Business Records in the First Degree and will forfeit \$55 million.
- In January, Larry Rosenthal and Megabyte Electronics, Inc. pleaded guilty to defrauding the New York City Transit Authority by selling counterfeit electromagnetic switches, commonly known as "kneeling sensor switches," for use on MTA buses. Rosenthal was sentenced to 30 days jail and ordered to pay \$350,000 in restitution.

that current laws, regulations, and systems are not adequate to prevent and deter individuals and organizations from fraudulently taking advantage of these programs. To eliminate fraudulent practices in this industry, the grand jury proposed a set of recommendations aimed at deterring fraud and improving enforcement and prosecution efforts to bring those who abuse MWBE programs to justice.

CONSTRUCTION SAFETY

Enforcing proper safety regulations is a critical part of preventing accidents from occurring. Preventing harm will always be more valuable than prosecuting wrongdoing after a tragedy. In July, the District Attorney's Office announced the indictment of seven

individuals and two companies, Avanti Building Consultants Inc. and NYCB Engineering Group, as part of an alleged scam that falsified the details of safety inspections at multiple active construction sites in Manhattan.

The defendants are accused of leaving nearly 40 active construction sites in Manhattan supervised by hairdressers, bellhops, window treatment specialists, musicians, eBay vendors and other individuals who were utterly unqualified to be responsible for workers' safety, power tools, and construction taking place on city skyscrapers. In some instances, there were no safety inspectors or supervisors whatsoever at these construction sites. This negligence was in direct violation of New York's building codes and caused a potential threat to public safety.



Digital
Terrorism & Hate

Simon Wiesenthal
Center
Report on
Digital
Terrorism
& Hate
Project
Report
by
Vance Jr.
Attorney
General

District Attorney Vance and Rabbi Cooper announcing the Simon Wiesenthal Center's report on digital terrorism and hate in May 2014.

C Y B E R C R I M E

and

I D E N T I T Y
T H E F T

In 2010, District Attorney Vance established the Cybercrime and Identity Theft Bureau to protect New Yorkers from increasingly pervasive schemes involving cybercrime, internet fraud, and identity theft. Currently, one-fourth of the cases handled annually by the District Attorney's Office represent impersonation, financial fraud, larceny, child exploitation, and computer hacking cases. In 2014 alone, the High Technology Analysis Unit, which is part of the Cybercrime and Identity Theft Bureau, analyzed more than 200 terabytes of data.

“Today, nearly every criminal case has a digital component. Much of the evidence required to identify, locate and prosecute criminals is stored on smartphones.”

— DA Vance in the
Washington Post

In September, District Attorney Vance authored an op-ed in *The Washington Post* opposing Apple and Google's new encryption standards.

Access to raw data and analytic capability is an essential part of investigating and prosecuting cybercrime. But assistant district attorneys in other areas of the District Attorney's Office may also rely upon the expertise of cyber analysts, as every case involving a cell phone, computer, or digital device may involve a potential digital cache of valuable evidence. Smartphone analysis, for example, can help investigators track the whereabouts of a sexual predator, record communications between gang members, and even identify vulnerable victims of trafficking and forced prostitution.

The sheer volume and diversity of cyber cases handled by the District Attorney's Office necessitates that prosecutors, investigators, and analysts have access to leading tools and cutting-edge technology. Throughout the year, the District Attorney's Office has overseen the construction of a state-of-the-art cybercrime lab with funding from the New York City Council to expand on the work of in-house analysts. However, equally invested in sharing intelligence and resources, the District Attorney's Office also provided million-dollar grants to other New York City DAs' offices to help create or upgrade their own cyber capabilities.

“Cybercriminals know no boundaries—they do not respect international borders or laws. But regardless of where the case originates, nearly every cybercrime case begins with similar breaches: A stolen password, unauthorized use of a credit card, or unaccountable charges on a personal statement.”

— DA Vance

Changing criminal landscapes make cooperation between different law enforcement agencies more important than ever, which is why the District Attorney's Office is committed to educating others and sharing best practices.

Through the DANY Cyber Academy, created in partnership with the National White Collar Crime Center and the U.S. Department of Justice's Bureau

for Justice Assistance in 2006, law enforcement personnel from other local and federal agencies are trained in the collection, analysis, and use of digital evidence to support criminal prosecutions. Instructors based in New York lead multiple courses each quarter, and a mobile training lab allows additional instructors to reach law enforcement communities throughout the U.S. Thousands of law enforcement personnel from different agencies have completed courses through the Cyber Academy since its creation, with the overall goal of improving digital literacy and collaboration between law enforcement agencies.

STUBHUB CYBER-INTRUSION CASE

Cybercrime is truly borderless, and electronic trails of evidence may often crisscross the country—sometimes even the globe.

In July, the District Attorney's Office announced the indictment of several individuals in connection with an international cybercrime and money-laundering ring operated by associates in the United States, United Kingdom, Russia, and Canada that compromised the accounts of StubHub users.

How the StubHub scheme worked:

- Cyber thieves broke into users' accounts and used stolen credit card information to buy e-tickets to popular events such as Broadway shows and sporting events at Yankee Stadium.
- E-tickets were distributed to associates who fenced the stolen tickets and sold them to interested buyers.
- Illicit proceeds from the sales were then processed through a network of money launderers, who redistributed funds to individuals involved in orchestrating the scam.



District Attorney Vance and partners announcing arrests and criminal charges in international StubHub intrusion and money laundering case in July 2014.

In that case, a global network of identity thieves and money-launderers was eventually brought down by prosecutors' use of recorded financial transactions and correspondence that crossed national borders and demonstrated the increasingly close connection between cybercrime and financial crime. The case also showed the value of strong partnerships with international law enforcement agencies, which enabled enforcers to simultaneously bring down cybercriminal operations in Europe and North America.

The scheme—which involved identity theft, larceny, and money laundering—demonstrates that thriving commercial institutions and eager consumers will always be tempting targets for scam artists who seek any opportunity to exploit weakness, whether institutional or individual.

“Time after time, we see insiders at companies enabling theft to occur. In just the past few years, prosecutors in my Office’s Cybercrime and Identity Theft Bureau have convicted insiders working at fast-food chains, high-end steakhouses, retail stores, parking garages, non-profits, universities, hospitals, banks, and even nursing homes.”
— *DA Vance*

**SAKS FIFTH AVENUE
IDENTITY THEFT CASE**

Organizational insiders often serve as feeders into greater cybercriminal operations, supplying stolen information to co-conspirators who use the information to commit a host of other crimes. While the locations may vary, the methods and goals of cybercriminals are often similar.

In October, the District Attorney’s Office announced the indictment of a different group of individuals in connection with a scheme involving stolen personal information that was used to purchase hundreds of dollars’ worth of luxury goods from Saks

Fifth Avenue for the purpose of illicit resale. Between April and August, the alleged ringleader provided stolen personal identifying information—including the Social Security Numbers and dates of birth of nearly two dozen Saks Fifth Avenue credit card holders—to complicit store associates, who used the information to purchase merchandise from designer brands such as Chanel, Valentino, Christian Louboutin, Ferragamo, Balmain, Yves Saint Laurent, Gucci, Giuseppe Zanotti, Louis Vuitton, and Givenchy. In total, the group is believed to be responsible for more than \$400,000 in fraud and losses.

**Notable Cybercrime and Identity Theft
Cases Include:**

- In October, Elice Rizzo was sentenced to 5-to-10 years in state prison for stealing more than \$50,000 from bank customers by impersonating them and withdrawing money from their accounts. Earlier in the year, Rizzo pleaded guilty to one count of Grand Larceny in the Second Degree and 18 counts of Identity Theft in the First and Second Degrees.
- In August, Lancine Conde, Sylvaine Gnahore, Gerald Quarles, Arshid Sohail, and Donald Williams were indicted for stealing more than \$1 million in corporate, personal, and tax refund checks through a scheme that diverted checks made payable to individuals and companies based in New York to fraudulent accounts controlled by the defendants. They are charged with using stolen information to falsify personal documents and accounts.
- In May, Nigel McCollum, a former food service employee, was sentenced to 1 1/3-to-4 years in state prison for skimming patrons’ credit card numbers and using the information to forge hundreds of cards in his own name. On March 12, 2014, McCollum pleaded guilty in New York State Supreme Court to all of the charges in the indictment against him, including Identity Theft in the First Degree, Forgery in the Second Degree, Criminal Possession of a Forged Instrument in the Second Degree, Criminal Possession of Forgery Devices, and Grand Larceny in the Fourth Degree, among other charges.





District Attorney Vance,
Gloria Steinem, and
others celebrating the
official opening of
the Manhattan Family
Justice Center in
March 2014.

SPECIAL VICTIMS

The Special Victims Bureau handles cases involving some of Manhattan's most vulnerable victims, including victims of domestic violence, child abuse, sex crimes, human trafficking, and elder abuse.

The Bureau encompasses four units that specialize in handling cases involving special victims: the Sex Crimes Unit, the Child Abuse Unit, the Domestic Violence Unit, and the Elder Abuse Unit. Working with the Office’s Witness Aid Services Unit, prosecutors and investigators are not only specially trained to bring justice to the victims in court, but also to help them recover from trauma, return to a place of safety, and move forward with their lives.

“Domestic violence is not just a criminal justice issue, it is a public health crisis in New York City and across the country.”
 — DA Vance

Housed within the recently opened Manhattan Family Justice Center, the Bureau advocates for victims in the daily prosecution of street crimes, as well as their push for legislative initiatives that help protect victims. From cases involving victims of assault by a stranger to long-term human trafficking investigations, the Special Victims Bureau is fully-equipped to serve victims of these often devastating crimes.

The District Attorney’s Office recognizes that ultimately, preventing crimes is just as important as prosecuting offenders. In order to raise awareness, the Office conducts presentations at community centers, schools, precincts, and more on a regular basis across Manhattan. The Sex Crimes Unit gave presentations on sexual assault at dozens of colleges and high schools across Manhattan this past year. During these meetings, prosecutors and members of the Office’s Community Partnerships Unit discuss the impact of sexual violence, offer resources for

victims, and provide tips on how to avoid becoming a victim of sexual assault. Similar presentations are conducted year-round to raise awareness about crimes ranging from elder abuse to cyberbullying.

FAMILY JUSTICE CENTER

This year, District Attorney Vance’s vision of opening a Family Justice Center in Manhattan became a reality. In March, District Attorney Vance, First Lady of New York City Chirlane McCray, activist and author Gloria Steinem, Comptroller Scott Stringer, Deputy Mayor Lilliam Barrios-Paoli, and Mayor’s Office to Combat Domestic Violence Commissioner Rose Pierre-Louis celebrated the grand

opening of the Center, where all of the resources available to domestic violence victims are located under one roof. With a single visit to the Family Justice Center, victims can meet with an assistant district attorney, and receive legal advice on divorces, orders of protection, custody, and immigration issues. They are also able to talk to a counselor and apply for emergency housing—all while their children play safely in a supervised room next door.

The Center, located at 80 Centre Street, is situated near to the Criminal, Family, and Supreme Court buildings, ensuring that victims have easy access to and assistance with all relevant court proceedings. The entire leadership

Notable Sex Crimes Cases of 2014
 Include:

- In September, Damique Fennell was sentenced to 25 years in state prison and 20 years post-release supervision for leading the group assault and robbery of a transgender woman in a Midtown Manhattan hotel room. The victim, a 27-year-old woman who advertised escort services online, agreed to meet Fennell at a Holiday Inn. Upon her arrival, the victim was repeatedly kicked and beaten by Fennell and three other co-defendants, restrained with duct tape, sexually abused, and robbed.
- In June, Cesar Lucas was sentenced to 13 years in state prison and 20 years post-release supervision for raping a woman in her Upper West Side apartment in September 2012, while her 7-year-old child slept next to her. The defendant was also convicted of unlawfully entering the apartment of another woman and stealing her wallet, after delivering pizza in the building.
- In February, Angel Hernandez was sentenced to 14 years in state prison and 15 years of post-release supervision for attempting to rape a 74-year-old woman in the elevator of her East Harlem apartment building. After approaching her in the hallway, Hernandez attacked the elderly victim, dragged her into the elevator and assaulted her as she attempted to fight back, until police officers arrived and stopped the attack.
- In January, Garis Ortega was sentenced to 11 years in state prison and 10 years of post-release supervision for raping a 33-year-old woman in the vestibule of her Thompson Street apartment building in November 2010. Ortega spoke to the victim as she walked home, followed her into her building’s vestibule, and forcibly raped her.

of the Office’s Special Victims Bureau is headquartered in the Family Justice Center, an initiative unique to Manhattan. This enables the District Attorney’s staff to serve victims not only of domestic violence, but also sexual assault, elder abuse, human trafficking, and child abuse, as well as to identify other crimes that often first come to the District Attorney’s Office as

“ The image of domestic violence as a ‘family matter’ contained within the home is an outdated and dangerous notion. Often, domestic abuse spills into the workplace— with devastating consequences for victims, their colleagues, and their employers.”

— *DA Vance in Fast Company*

Domestic violence affects every community and socioeconomic group nationwide, including New York City. Leaving an abusive relationship is frequently the most dangerous time for a victim of domestic violence—and an abuser will often come looking for a victim who tries to leave an abusive relationship at his or her workplace. In October, District Attorney Vance penned an op-ed for *Fast Company* to give tips and call for employers to protect their employees.

domestic violence cases. The Family Justice Center brings together a number of community-based service providers and a wide range of New York City agencies to reach a collective goal of reducing the number of family violence incidents, recidivism, and homicides. The Center offers a diverse spectrum of services that

Notable Domestic Violence Cases of 2014 Include:

- In December, John Woody was sentenced to 21 ½-to-23 years in prison for repeatedly slashing his ex-wife in front of their three children in the hallway of their apartment building in July 2013. He was convicted of threatening the victim, through phone calls and through a third party, while he was incarcerated. The defendant had a long history of domestic violence incidents.
- In January, William Davila was sentenced to 19 years-to-life in state prison for fatally stabbing his estranged wife in an SUV parked on Essex Street in May 2008, and leaving her body there. In the vehicle, police officers found the victim’s Order of Protection against Davila, which stemmed from a 2007 Criminal Contempt conviction in the Bronx. This case is a tragic demonstration of the fact that those who commit acts of domestic violence tend to be repeat offenders, whose crimes can quickly escalate.

survivors need to safely move forward with their lives, including:

- Easy access to assistant district attorneys specially trained in the prosecution of sex crimes, domestic violence, elder abuse, child abuse, and human trafficking
- Civil legal representation for immigration and Family Court matters and assistance with filing police and probation reports
- Safety planning, as well as access to emergency shelter and housing
- Public benefits, job search, and financial literacy assistance
- On-site childcare and counseling, including references to support groups
- Services for the elderly and the disabled
- Interpretation and language assistance

HUMAN TRAFFICKING RESPONSE UNIT

In October, District Attorney Vance announced the expansion of the Human Trafficking Program into the Human Trafficking Response Unit (“HTRU”). Housed within the Manhattan Family Justice Center, HTRU investigates and prosecutes sex and labor trafficking cases, and, in partnership with advocacy

groups, provides support for victims and their families. The unit also closely examines the hundreds of street arrests that are screened and prosecuted by other areas of the District Attorney’s Office— such as the Domestic Violence Unit—in order to identify cases that may involve victims of trafficking.

HTRU is among the most robust anti-trafficking units of any prosecutors’ office nationwide, with an in-house social worker and financial analyst joining two full-time assistant district attorneys, as well as 15 cross-designated assistant district attorneys, and multiple support staff. HTRU is building upon long-term investigative techniques—including wiretaps and forensic analytics—that make up the backbone of the evidence-based approach the Office uses to build these complex cases.

HTRU also trains prosecutors throughout the District Attorney’s Office to identify signs of human trafficking when screening cases, such as those involving

prostitution, unlicensed massage, or domestic violence assaults. This is critical in human trafficking cases, as victims rarely self-identify and are often reluctant to speak with law enforcement. For instance, a victim may refer to the person who assaulted her as her “boyfriend,” when, in reality, that person may be a trafficker. The Manhattan Family Justice Center co-locates the Domestic Violence Unit and Human Trafficking Response Unit to better address these complexities and provide comprehensive services.

“Victims of sex trafficking should know that help is available and call my Office’s Human Trafficking hotline at 212-335-3400.”
 — DA Vance

TRUST WOMEN CONFERENCE

In November, District Attorney Vance delivered the keynote address and participated in panel discussions, along with Chief Assistant District Attorney Karen Friedman Agnifilo, at the Thomson Reuters Foundation’s Trust Women Conference. This year marks the second time District Attorney Vance and the Thomson Reuters Foundation have partnered to unite major financial institutions in the fight against global human trafficking, estimated to be a \$32 billion-a-year criminal industry worldwide. In early 2014, the District Attorney’s Office and Thomson Reuters Foundation released a white paper to offer guidance to the financial industry in identifying red flags such as:

- Regular transfer of funds from the employees’ accounts back to the

employers

- Recurrent business transactions outside the time of business operations
- Cross-border transfers of funds inconsistent with the stated business purpose
- A high number of individual accounts opened and closed simultaneously
- Also identified industries whose workers are more easily exploited: non-unionized service or hospitality providers, labor intermediaries, nail salons, travel agents, restaurants, strip clubs, etc.

CONCORDIA SUMMIT

In 2014, District Attorney Vance was honored to join other people on the front lines of combatting human trafficking, including U.S. Senator Amy Klobuchar, U.S. Representative Debbie Wasserman Schultz, Director of Global Diversity for Delta Airlines Letty Ashworth, and Co-Chair of the Arizona Task Force on Human

Trafficking Cindy McCain, for a high-level panel discussion at the 2014 Concordia Summit. The conference focused on cross-sector solutions to human trafficking that bring together private and public initiatives, an approach the District Attorney has long-championed.

ABELY AWARDS

Recognizing these efforts, Sanctuary for Families, a New York-based non-profit organization dedicated to aiding victims of abuse, honored the District Attorney’s Office with the Abely Award for Leading Women and Children to Safety in November. The awards granted by Sanctuary for Families recognize those committed to fighting gender-based violence, particularly domestic violence and sex trafficking.

Notable Human Trafficking Cases of 2014 Include:

- In September, convicted sex trafficker Benjamin Gaston was sentenced to 50 years-to-life in prison for kidnapping and raping a woman whom he held captive for nearly two days in November 2012, during which time he trafficked her and forced her to earn money for him through prostitution. In an attempt to escape, the victim climbed out of a sixth-story window and dropped more than 50 feet to the ground, shattering multiple vertebrae, fracturing her pelvis, and breaking a leg and an arm. Gaston’s co-defendant Johnny Jackson, 54, was sentenced to 9-to-18 years in state prison for forcing the same woman to engage in prostitution.
- In February, convicted sex trafficker Taye Elleby was sentenced to 10 ^{2/3}-to-32 years in prison for forcing two women and a young girl into working as prostituted individuals in Harlem. As proven at trial, beginning in March 2013, Elleby ran a prostitution ring from his Harlem apartment involving a 17-year-old girl who he trafficked into prostitution. Elleby advertised commercial sexual services through the website Backpage.com; controlled the victim through physical, emotional, and psychological coercion; and demanded that she hand over nearly all of the money she made.



District Attorney Vance at the Trust Women Conference in London in November 2014. (Photo courtesy of the Trust Women Conference)

I M M I G R A N T A F F A I R S

The Immigrant Affairs Unit was the first of its kind in the country: a unit specially designated to prosecute crimes committed against members of Manhattan's immigrant communities.

Today, the unit serves as a model for other City prosecutors' offices, and many are now opening their own versions of the Immigrant Affairs Unit. Within the District Attorney's Office, the unit is staffed by prosecutors who specialize in handling cases involving immigration fraud and related crimes.

To date, the unit's hotline has handled more than 3,000 complaints in 30 different languages. Anyone who believes that he or she may have been the victim of a scam is encouraged to call the hotline at 212-335-3600, regardless of immigration status.

The Immigrant Affairs Unit also has a proactive educational mission to teach community members how to protect themselves from scams and fraud. Informational brochures are printed in five different languages—including Spanish, Chinese, and French Creole—to reach the greatest number of people possible, and representatives from the District Attorney's Office frequently conduct presentations throughout Manhattan with the support of community partners.

Victims of fraud often have similar stories: They may be new to the country and new to the language, and they may be looking for someone to guide them through a complex legal process and civil services system. Scam artists, correspondingly, will continue to look for any opportunity to take advantage of others, which is why providing resources for victims, as well as strengthening the laws governing immigration fraud, is so important.

In 2014, the District Attorney's Office joined representatives from the New York Immigration Coalition and U.S. Citizen and

Immigration Services in support of legislation signed into law earlier this year, aimed at better protecting immigrants from scams and fraud. The bill, once effective, strengthens the protections for victims by barring the use of misleading job titles that might suggest an unqualified individual

to be an attorney or specialized professional. By outlining new crimes at felony and misdemeanor levels, the bill will give prosecutors the important ability to charge crimes based on severity. Perhaps more importantly, the legislation enables individuals to better protect themselves from fraud.

Notable Immigration Scams and Cases of 2014 Include:

- “Evil Spirits” Scams: In December, Xue Fang Zhou was indicted for stealing approximately \$60,000 from a Chinese victim by charging for a so-called blessing ritual that the defendant claimed to perform in order to dispel supposed bad luck cursing the victim's family. This is not the first time the District Attorney's Office has prosecuted perpetrators of the scam: In October 2013, five defendants pleaded guilty to criminal charges for using the same scheme to steal cash and valuables. Similar versions of the scam have also appeared throughout the East and West Coast, and victims have lost up to tens of thousands of dollars in the most devastating cases.
- Legal scams: In July, an attorney named Owolabi Salis was indicted for defrauding more than 30 victims, many of them immigrants from the Caribbean Islands, South American, Central American, and African countries through an immigration scam. In this case, the defendant falsely told his immigrant clients that they qualified for lawful permanent residence and other immigration benefits, when in fact, they did not. The defendant charged each victim an average of more than \$4,500 for fraudulent services.
- Housing scams: In July, Juan Valoy and Elizabeth Adrian Perez were indicted for fraudulently collecting thousands of dollars from more than 20 victims of a Washington Heights apartment scam targeting Hispanic immigrants. Posing as brokers, the defendants showed the victims apartments that they claimed were available to lease and accepted payments of as much as \$5,500 for supposed application fees and security deposits. But after collecting money from their victims, the defendants ignored and avoided contact with victims. In some cases, the apartments shown to victims were already occupied by other residents.
- Employment scams: In December, Jose Panchana was indicted in connection with a hiring scam through which the defendant was allegedly able to steal hundreds of dollars from victims who believed the defendant to be a hiring manager. As alleged in the indictment, Panchana claimed to be a hiring manager for JetBlue and instructed job applicants to send him money for uniforms, drug tests, and background checks. After receiving the funds, Panchana cut off communications and absconded with the victims' money.

A P P E A L S

The Appeals Division of the District Attorney's Office has been at the forefront of upholding appropriate dispositions and sentences for criminal defendants.

Outstanding Wins in the Court of Appeals

People v. Paul Cortez, 22 N.Y.3d 1061. The court unanimously affirmed the defendant's conviction for the brutal stabbing murder of a woman who had rejected his romantic attentions. The defendant pressed for new and more onerous rules governing both the required inquiry into defense counsel's potential conflicts of interest (expanding Gomberg) and the admissibility of "prior bad thought" evidence (expanding Molineux), but the court ultimately was persuaded to rule under existing law that reversal was unwarranted because the defendant was not prejudiced.

People v. Luis Guaman, 22 N.Y.3d 678. The court unanimously held that an information alleging that a subway grinder "rubbed" against a victim was sufficient to support a charge of "forcible" touching. The court rejected a defense contention that "forcible" touching should be limited to acts of a type likely to result in pain or physical discomfort.

People v. Reddy Kancharla and Vincent Barone, 23 N.Y.3d 294. In an appeal by DANY, the court unanimously held that the First Department had improperly vacated the defendants' Enterprise Corruption convictions based on its erroneous beliefs (1) that conviction required proof of a leadership structure for the criminal enterprise distinct from that of a corrupt corporation and (2) that direct proof of "communications, planning, or concerted activity" among the corrupt actors was required. The court held that the trial evidence was legally sufficient to support the Enterprise Corruption convictions and sent the case back to the Appellate Division for further review under the correct rules of law.

People v. Lionel McCray, 23 N.Y.3d 621. The court unanimously held that a burglary of Madame Tussaud's Wax Museum was properly prosecuted as burglary of a "dwelling," even though the museum was located in a large building and the nearest overnight lodging premises in that building were part of a hotel situated several floors above. Although the court limited the rule under which non-residential premises are considered part of a "dwelling" if there are any residential premises located elsewhere in the same building, it held that the burglary of the wax museum was still within that rule. The court also held that an employee locker room connected to the hotel was likewise a "dwelling."

People v. John Haggerty, 23 N.Y.2d 871. The court unanimously held that trial evidence from multiple sources established Mayor Bloomberg's ownership of the funds in the Bloomberg Trust, \$750,000 of which was stolen by the defendant in a fraudulent "ballot security" scheme. The court therefore found harmless any error in admission of one witness's testimony concerning ownership of the funds, received over a defense objection that the "best evidence rule" required that the written trust instrument be introduced instead.



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From the Archives

TRIAL BUREAU



GRAND JURY



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COMMUNITY AFFAIRS

V I C T I M A S S I S T A N C E

The Manhattan District Attorney's Office is a safe place to report crime, and victims are strongly encouraged to contact the Office's specialized units for assistance.

SPECIAL VICTIMS: (212) 335-4308

For assistance with issues related to domestic violence, child abuse, human trafficking, and family violence

SEX CRIMES: (212) 335-9373

For assistance with issues related to sexual assault, abuse, and other criminal sexual acts

IMMIGRANT AFFAIRS: (212) 335-3600

For assistance with issues related to fraud and scams targeting immigrant communities

ELDER ABUSE UNIT: (212) 335-9007

For assistance with issues related to abuse and financial crimes committed against senior citizens

HATE CRIMES: (212) 335-3100

For assistance with issues related to crimes committed against individuals based on race, religion, gender, and personal affiliation

CYBERCRIME AND IDENTITY THEFT: (212) 335-9600

For assistance with issues related to ID theft and digital crime

PUBLIC INTEGRITY: (212) 335-8987

For assistance with issues related to bribery, larceny, false filings, Election Law fraud, campaign finance abuses, and criminal violations of ethics laws

FINANCIAL FRAUDS: (212) 335-8900

For assistance with issues related to embezzlement, fraudulent documents, insurance fraud, arson, unauthorized practice of law, bank fraud, and crimes committed by attorneys and other professionals